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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF HOME INSPECTORS
DATE AND TIME:	Wednesday, May 8, 2013 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, DE Cannon Building, Second-Floor Conference Room A
APPROVED:	June 24, 2013

MEMBERS PRESENT

Donald S. Pyle, Sr., Professional Member, Chair
Dennis Theoharis, Public Member, Vice Chair
Daniel C. Eichelberger, Professional Member
Tim Harriger, Professional Member

MEMBERS ABSENT

Joyce Edwards, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Kelly, Deputy Attorney General
Amanda McAtee, Administrative Specialist II

PUBLIC PRESENT

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CALL TO ORDER

Mr. Pyle called the meeting to order at 9:35 a.m.

REVIEW AND APPROVAL OF MEETING MINUTES

The Board reviewed the meeting minutes from the January 9, 2013 meeting. Mr. Harriger made a motion, seconded by Mr. Eichelberger, to approve the minutes. The motion carried unanimously.

UNFINISHED BUSINESS

Update on Statutory Issues

Mr. Pyle stated that the Senate Committee meeting he attended went well and they had a few questions about grandfathering.

Ms. Warren stated that SB 30 passed the Senate and was passed onto the Economic, Banking, Insurance, and Commerce Committee in the House. Once the Bill got through the committee it would go to the House floor for vote, and if it passed the House it would be signed into law.

Ms. Warren asked the Board about the national exam. Mr. Pyle stated that the national examination is proctored by Pearson Vue, Ms. Warren stated that the Division would look into a contract with Pearson Vue for the exam. Mr. Pyle stated that applicants would not need approval to sit for the exam. Mr. Eichelberger reviewed the website for the national exam and stated that the results would not be sent automatically to a State. Ms. McAtee stated that she would look into the matter.

Review Current Draft of Rules and Regulations from Ms. Kelly

Ms. Kelly stated that the Board would be finalizing the Rules and Regulations Draft and she would forward the draft to be published in the Register of Regulations. The Board would need to hold a Rules and Regulations hearing at least twenty days after publication in the Register of Regulations. Ms. Kelly suggested that the Board met next on June 24, 2013 instead of meeting on June 12, 2013 so that they could hold the Rules and Regulations hearing. The Board agreed and Ms. McAtee scheduled the Board to meet on June 24, 2013.

Ms. Kelly stated that fifteen days after the June 24, 2013 Rules and Regulations hearing the Board could deliberate on the hearing and vote on the Rules and Regulations to make them final. The Board would keep the already scheduled July 10, 2013 meeting since it coincided with the timeline.

Ms. Kelly presented the Board with a revised version of the Rules and Regulations draft. Ms. Kelly reviewed the process of making the Rules and Regulations final.

Ms. McAtee questioned if the applicants qualifying under the grandfather provision should show proof of insurance and that the Board needed to determine the minimum insurance requirements.

The Board agreed that grandfather provision applicants should show proof of insurance and Rule 3.3 was added to the draft. After discussion, the Board decided that \$50,000 should be the minimum for errors and emissions insurance and \$250,000 for the minimum on the general liability insurance.

Rule 3.3 An application submitted pursuant to the grandfather provision must also include evidence in a form satisfactory to the Board that the applicant, or the applicant's employer, carries errors and omissions insurance in an amount equal to or greater than \$50,000 and liability insurance in an amount equal to or greater than \$250,000. Evidence shall include a notarized certificate of insurance submitted to the Board by the insurance carrier.

The Board discussed trainees requiring experience during the time period of initial licensure. After discussion the Board added Rule 3.4 to state:

Rule 3.4 Trainee applicants may acquire supervised experience, as documented on a Board approved form, during the time period after the date of enactment of the statute until the deadline for submission of grandfather applications. However, that supervised experience shall satisfy the licensure requirements only if the supervisor becomes licensed under the grandfather provision within three months after making application.

The Board recessed at 12:04 p.m. and reconvened at 12:57 p.m.

Ms. McAtee explained to the Board how the Division's licensing system could maintain a record of supervisors and the limitations of the system. The Board desired for trainees to have the ability to obtain different supervisors. Ms. McAtee stated that if the trainee selected a new supervisor that the supervisor would have to complete and submit a supervision form so that there could be a record of the supervisory relationship. Ms. McAtee also pointed out the issues contained within the requirement of "Board approved" supervisors. After discussion the Board agreed to modify section 9.0 under the Rules and Regulations to state:

Rule 9.0 Responsibilities of supervising home inspector:

- 9.1 To qualify as a supervisor, a home inspector shall hold a Delaware home inspector's license in good standing.
- 9.2 The supervising home inspector shall supervise no more than two trainees for each inspection. The supervising home inspector shall notify the Board in writing when he or she is no longer supervising the trainee.
- 9.3 The registered trainee may assist in the home inspection and completion of the home inspection report and may co-sign the report, provided that:
- 9.4 The trainee works under the direct oversight of the supervising home inspector.
- 9.5 The supervising home inspector only assigns work to the trainee if the trainee is competent to perform such work.
- 9.6 The home inspection report is reviewed and signed by the supervising home inspector.

9.7 If co-signed by the trainee, the home inspection report shall indicate the trainee's status with the registration number issued by the Board.

9.8 The supervising home inspector accepts total responsibility for the home inspection report.

Ms. McAtee stated that licenses for this Board would lapse on August 31 of each odd-numbered year beginning with 2015, and this date was determined by the Division of Professional Regulation. This information was entered into Rule 12.1.

Rule 12.1 The biennial licenses granted by the Board shall lapse on August 31 of each odd-numbered year beginning in 2015, or on such other date as is specified by the Division of Professional Regulation. It is the responsibility of the licensee to renew his or her license. The failure of the Board to notify a licensee of the expiration date does not in any way relieve the licensee of the requirements of renewal. License renewal shall be accomplished online at the Division of Professional Regulation's website.

Mr. Theoharis made a motion, seconded by Mr. Harriger, to approve the Rules and Regulations for publication as amended. The motion carried by majority vote, with Mr. Eichelberger opposed.

NEW BUSINESS -- None

OTHER BUSINESS BEFORE THE BOARD (for discussion only) – None

PUBLIC COMMENT – None

NEXT MEETING

The next Board meeting will be at **9:30 a.m. on Monday, June 24, 2013 in Conference Room B** located on the second floor of the Cannon Building at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business to discuss, Mr. Pyle made a motion, seconded by Mr. Theoharis, to adjourn the meeting at 2:19 p.m. The motion carried unanimously.

Respectfully Submitted,



Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.